

EXHIBIT A



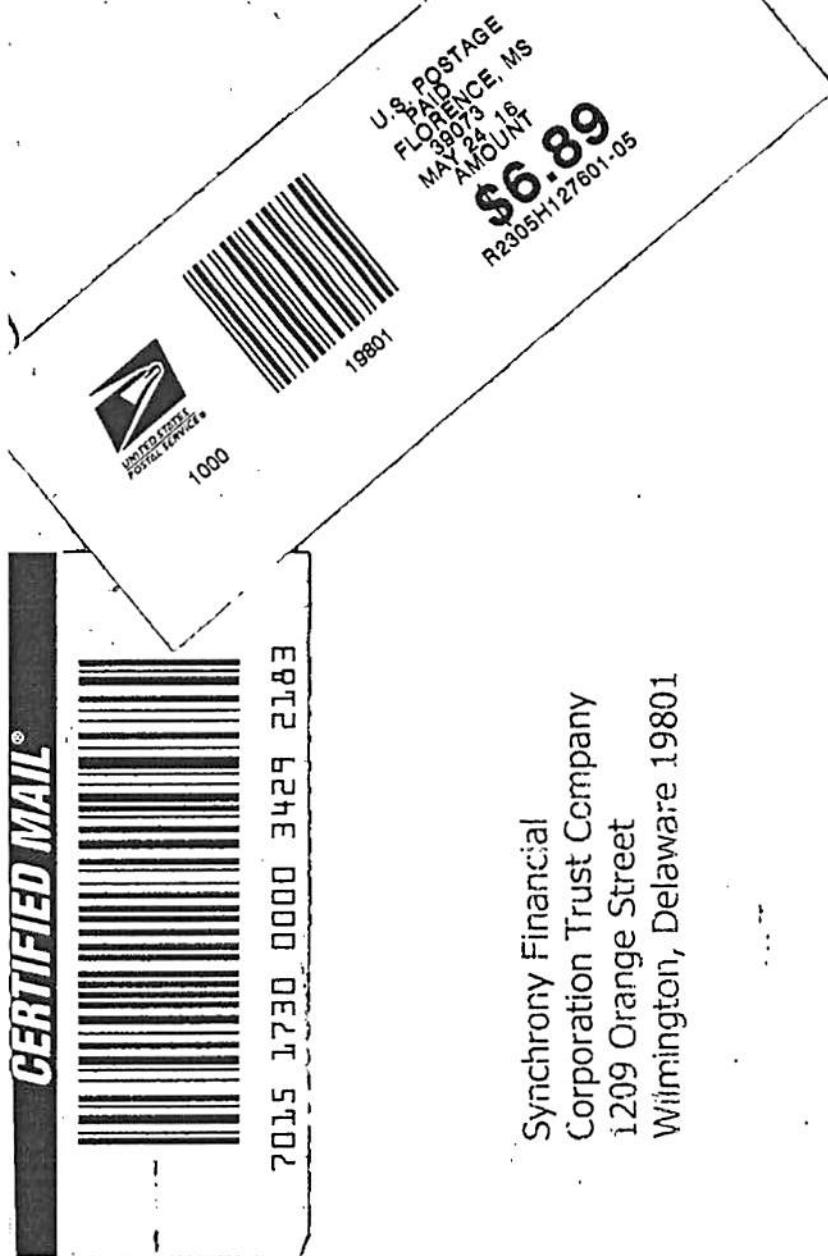
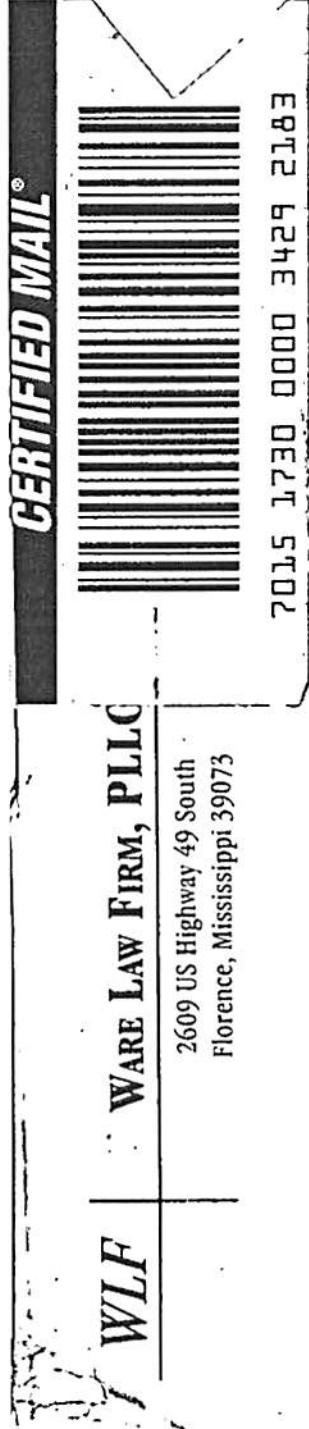
TO: Talaya Kluttz
Synchrony Financial
332 Minnesota St Ste W600
Saint Paul, MN 55101-1535

RE: Process Served in Delaware
FOR: Synchrony Financial (Domestic State: DE)

**Service of Process
Transmittal**
05/27/2016
CT Log Number 529242381

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: ALLAN M. PLOTKIN II, Pltf. vs. SYNCHRONY BANK and SYNCHRONY FINANCIAL, Dfts.
DOCUMENT(S) SERVED: Reply Envelope, Letter, Acknowledgment(s), Summons, Proof, Complaint
COURT/AGENCY: Hinds County Chancery Court - First Judicial District, MS
Case # 161789
NATURE OF ACTION: Plaintiff seeking damages for violations of the telephone consumer protection act
ON WHOM PROCESS WAS SERVED: The Corporation Trust Company, Wilmington, DE
DATE AND HOUR OF SERVICE: By Certified Mail on 05/27/2016 postmarked on 05/24/2016
JURISDICTION SERVED : Delaware
APPEARANCE OR ANSWER DUE: Within 30 days from the date of delivery of this Summons and Complaint
ATTORNEY(S) / SENDER(S): Daniel D. Ware
WARE LAW FIRM, PLLC
2609 US Highway 49 South
Florence, MS 39073
(601) 845-9273
ACTION ITEMS: SOP Papers with Transmittal, via Fed Ex 2 Day , 783229096198
Image SOP
Email Notification, Talaya Kluttz talaya.l.kluttz@syf.com
Email Notification, Synchrony Financial Litigation
syf.litigation@synchronyfinancial.com
SIGNED:
ADDRESS: The Corporation Trust Company
1209 N Orange St
Wilmington, DE 19801-1120
TELEPHONE: 302-658-7581



Synchrony Financial
Corporation Trust Company
1209 Orange Street
Wilmington, Delaware 19801



Ware Law Firm, PLLC
2609 US Hwy 49 S.
Florence, MS 39073

Ware Law Firm, PLLC
2609 US Hwy 49 S.
Florence, MS 39073

WLF

WARE LAW FIRM, PLLC

May 25, 2016

Synchrony Financial
Corporation Trust Company
1209 Orange Street
Wilmington, Delaware 19801

**RE: Plotkin vs. Synchrony Bank and Synchrony Financial
CAUSE NO. 16-1789**

Dear Sirs/Madam:

Enclosed please find the following in regards to the above referenced case:

- a) Summons
- b) Complaint
- c) Acknowledgement of Receipt of Summons two (2) – Please execute before a Notary Public; return one (1) and retain the other for your records
- d) Self Addressed Stamped Envelope

If you have any questions, you may contact my office. Thank you for your assistance with this matter.

Sincerely,



Daniel D. Ware
Enclosures:

DDW/jmh

Daniel D. Ware

Attorney-at-Law

dware@warelawfirm.com
www.warelawfirm.com

2609 US Highway 49 South • Florence, Mississippi 39073
601-845-WARE (9273) • Facsimile 601-845-0749

**IN THE COUNTY COURT OF HINDS COUNTY, MISSISSIPPI
FIRST JUDICIAL DISTRICT**

ALLAN M. PLOTKIN II

PLAINTIFF

VS.

CAUSE NO. 16-1789

**SYNCHRONY BANK and
SYNCHRONY FINANCIAL**

DEFENDANTS

**THIS ACKNOWLEDGEMENT OF RECEIPT OF
SUMMONS AND COMPLAINT MUST BE COMPLETED**

TO: Synchrony Financial
AGENT: Corporation Trust Company, 1209 Orange Street, Wilmington,
Delaware 19801.

I acknowledge that I have received a copy of the summons and of the complaint
in the above-captioned matter in the State of _____.

Signature

Date of Signature

(Relationship to Entity/Authority to Receive Service of Process)

State of _____
County of _____

Personally came and appeared before me, the undersigned authority in and for
the State and County aforesaid, the within named _____, who being
first duly sworn stated on his/her oath, that he/she signed, sealed and delivered the
above foregoing Acknowledgement of Receipt of Summons and Complaint as his/her
individual act and deed on the date and year stated herein.

Affirmed and subscribed before me this ___ day of _____, 2016.

Notary Public

My Commission Expires:

**IN THE COUNTY COURT OF HINDS COUNTY, MISSISSIPPI
FIRST JUDICIAL DISTRICT**

ALLAN M. PLOTKIN II

PLAINTIFF

VS.

CAUSE NO. 16-1789

**SYNCHRONY BANK and
SYNCHRONY FINANCIAL**

DEFENDANTS

**THIS ACKNOWLEDGEMENT OF RECEIPT OF
SUMMONS AND COMPLAINT MUST BE COMPLETED**

TO: Synchrony Financial
AGENT: Corporation Trust Company, 1209 Orange Street, Wilmington,
Delaware 19801.

I acknowledge that I have received a copy of the summons and of the complaint in the above-captioned matter in the State of _____.

Signature

Date of Signature

(Relationship to Entity/Authority to Receive Service of Process)

State of _____
County of _____

Personally came and appeared before me, the undersigned authority in and for the State and County aforesaid, the within named _____, who being first duly sworn stated on his/her oath, that he/she signed, sealed and delivered the above foregoing Acknowledgement of Receipt of Summons and Complaint as his/her individual act and deed on the date and year stated herein.

Affirmed and subscribed before me this _____ day of _____, 2016.

Notary Public

My Commission Expires:

**IN THE COUNTY COURT OF HINDS COUNTY, MISSISSIPPI
FIRST JUDICIAL DISTRICT**

ALLAN M. PLOTKIN II

PLAINTIFF

VS.

CAUSE NO. 16-1789

**SYNCHRONY BANK and
SYNCHRONY FINANCIAL**

DEFENDANTS

**THIS ACKNOWLEDGEMENT OF RECEIPT OF
SUMMONS AND COMPLAINT MUST BE COMPLETED**

TO: Synchrony Financial

AGENT: Corporation Trust Company, 1209 Orange Street, Wilmington,
Delaware 19801.

I acknowledge that I have received a copy of the summons and of the complaint
in the above-captioned matter in the State of _____.

Signature

Date of Signature

(Relationship to Entity/Authority to Receive Service of Process)

State of _____

County of _____

Personally came and appeared before me, the undersigned authority in and for
the State and County aforesaid, the within named _____, who being
first duly sworn stated on his/her oath, that he/she signed, sealed and delivered the
above foregoing Acknowledgement of Receipt of Summons and Complaint as his/her
individual act and deed on the date and year stated herein.

Affirmed and subscribed before me this ___ day of _____, 2016.

Notary Public

My Commission Expires:

IN THE COUNTY COURT OF HINDS COUNTY, MISSISSIPPI
FIRST JUDICIAL DISTRICT

ALLAN M. PLOTKIN II

PLAINTIFF

VS.

CAUSE NO. 16-1789

**SYNCHRONY BANK and
SYNCHRONY FINANCIAL**

DEFENDANTS

SUMMONS

THE STATE OF MISSISSIPPI

TO: Synchrony Financial
Agent: Corporation Trust Company, 1209 Orange Street, Wilmington,
Delaware 19801

NOTICE TO DEFENDANT

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND
YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.

You are required to mail or hand-deliver a copy of a written response to the
Complaint to **WARE LAW FIRM, PLLC**, Daniel D. Ware, Attorney for Plaintiff,
whose mailing address is 2609 US Highway 49 South, Florence, Mississippi
39073. Your response must be mailed or delivered within thirty (30) days from
the date of delivery of this Summons and Complaint or a Judgment by Default
will be entered against you for the money or things demanded in the Complaint.

YOU MUST ALSO FILE THE ORIGINAL OF YOUR RESPONSE WITH THE CLERK
OF THIS COURT WITHIN A REASONABLE TIME AFTERWARD.

ISSUED UNDER MY HAND AND THE SEAL OF SAID COURT, THIS
26 DAY OF May, 2016.

CIRCUIT CLERK OF HINDS COUNTY

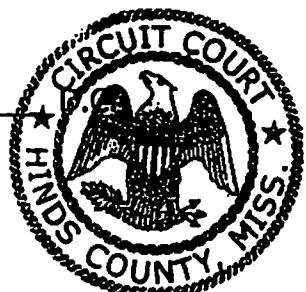
ATTEST A TRUE COPY

MAY 20 2016

ZACK WALLACE, CIRCUIT CLERK

BY dc D.C.

Zack Wallace



**PROOF OF SERVICE - SUMMONS
(PROCESS SERVER)**

Name of Person or Entity Served _____

I, the undersigned process server, served the summons and complaint upon the person or entity named above the manner set forth below:

_____ **FIRST CLASS MAIL AND ACKNOWLEDGMENT SERVICE:** By mailing (by first class mail postage prepaid) on the date stated in the attached Notice, copies to the person served, together with copies of the form of notice and acknowledgment and return envelope postage prepaid, addressed to the sender.

_____ **PERSONAL SERVICE:** I personally delivered copies to _____ on the _____ day of _____, 20____, where I found said person(s) in _____ County of the State of Mississippi.

_____ **RESIDENCE SERVICE:** After exercising reasonable diligence I was unable to deliver copies to said person within _____ County, Mississippi. I served the summons and complaint on the _____ day of _____, 20____ at the usual place of abode of said person by leaving a true copy of the summons and complaint with _____, who is the _____, a member of the family of the person(s) served above the age of sixteen years and willing to receive the summons and complaint, and thereafter on the _____ day of _____, 20____. I mailed (by first class mail, postage prepaid) copies to the persons served at his or her usual place of abode where the copies were left.

_____ **CERTIFIED MAIL SERVICE:** By mailing to an address outside Mississippi (by first class mail, postage prepaid, requiring a return receipt) copies to the person served.

At the time of service I was at least 18 years of age and not a party to this action.

Process server must list below: (Please print or type)

Name: _____

Address: _____

Telephone No. _____

Fee for service: \$ _____

**STATE OF MISSISSIPPI
COUNTY OF _____**

Personally appeared before me the undersigned authority in and for the State and County aforesaid, the within named _____, who being first by me duly sworn states on oath that the matters and facts set forth in the foregoing "Proof of Service-Summons" are true and correct as therein stated.

PROCESS SERVER (Signature) _____

Sworn to and subscribed before me, this the _____ day _____, 20____.

NOTARY PUBLIC _____

My Commission Expires:

Case: 25CO1:16-cv-01789 Document #: 2 Filed: 05/20/2016 Page 1 of 7

**IN THE COUNTY COURT OF HINDS COUNTY, MISSISSIPPI
FIRST JUDICIAL DISTRICT**

ALLAN M. PLOTKIN II FILED PLAINTIFF

VS. MAY 20 2016 CAUSE NO. 16-1789

**SYNCHRONY BANK and ZACK WALLACE, CIRCUIT CLERK
SYNCHRONY FINANCIAL D.C. DEFENDANTS**

**COMPLAINT
(Jury trial is hereby requested)**

COMES NOW, Plaintiff, Allan M. Plotkin II, by and through counsel, and files this, his Complaint, against the Defendants, Synchrony Bank and Synchrony Financial, and will show the following unto the Court, to-wit:

1. That Plaintiff is an adult resident citizen of Rankin County, Mississippi.
2. That based upon information and belief Synchrony Bank is a federal savings bank incorporated in the State of Utah with a principal place of business in the State of Utah operating and doing business in the State of Mississippi and may be served with process by servicing its registered agent, CT Corporation System, 1108 East South Union Ave, Midvale, Utah 84047.
3. That based upon information and belief Synchrony Financial is a corporation organized and existing under the General Corporation Law of the State of Delaware operating and doing business in the State of Mississippi and may be served with process by servicing its registered agent, Corporation Trust Company, 1209 Orange Street,

Case: 25CO1:16-cv-01789 Document #: 2 Filed: 05/20/2016 Page 2 of 7

Wilmington, Delaware 19801. Synchrony Bank is a subsidiary of Synchrony Financial.

4. This Court has jurisdiction and venue over this matter. Plaintiff received phone calls in Hinds County, First Judicial District, Mississippi.

FACTS

5. On or about November 27, 2005, Plaintiff was approved for a Walmart credit card. His account became a Walmart Discover card in August of 2012.
6. In August of 2014, the Walmart credit card was changed from Discover to a Master Card. Defendants stated that such change was noted in their billing statement and a Walmart MasterCard would be mailed to him.
7. Plaintiff stopped receiving billing statements from Walmart Discover card.
8. Plaintiff then began receiving emails about payments for a MasterCard. Plaintiff never received a MasterCard nor did he know anything about the change of his Walmart credit card.
9. After finding out that Synchrony Bank was the new holder of the Walmart credit account, Plaintiff attempted to pay his bill.

Case: 25CO1:16-cv-01789 Document #: 2 Filed: 05/20/2016 Page 3 of 7

10. In January of 2015, Plaintiff was told by the agents, employees and/or representatives of the Defendants that approximately six hundred (\$600.00) dollar payment would bring the account current.
11. Plaintiff attempted to set up an account online, however, he discovered that the account was closed and could not set an account up.
12. On or about May 11, 2015, Plaintiff began receiving automated messages or prerecorded calls on his cellular telephone.
13. Plaintiff was called eleven additional automated message or prerecorded calls on his cellular telephone from May 12 until May 17, 2015.
14. There was no way to opt out of receiving these calls or return the call to speak to a representative. Plaintiff had not given either Defendant any consent to contact him on his cellular phone.
15. On or about May 19, 2015, Plaintiff received a call from a live person from the Defendants.
16. That due to the actions and/or omissions of the Defendants, Plaintiff felt aggrieved, violated, taken advantage of, and his private personal life and business was invaded.
17. That due to the actions and/or omissions of the Defendants, Plaintiff sustained an invasion of privacy, economic loss, emotional distress and mental anguish.

Case: 25CO1:16-cv-01789 Document #: 2 Filed: 05/20/2016 Page 4 of 7

COUNT I NEGLIGENCE AND/OR GROSS NEGLIGENCE

18. Plaintiff herein incorporates the preceding paragraphs as if alleged fully herein.
19. The aforementioned acts and/or omissions and the hereinbelow mentioned acts and/or omissions of the said Defendants were negligent, grossly negligent and/or intentional, extreme and outrageous and, as a direct and/or proximate cause and/or result of same, Plaintiff has suffered damages and injuries as hereinbelow mentioned.
20. That due to the negligent actions and/or omissions of the Defendants were a wanton and reckless disregard of the Plaintiff's rights by failing to cease communications and continuing the nuisance calls repeatedly to his phone.
21. That the Defendants owed the Plaintiff a duty to honor his privacy. The Defendants breached this duty.

COUNT II INVASION OF PRIVACY

22. Plaintiff herein incorporates the preceding paragraphs as if alleged fully herein.
23. The actions and/or omissions of the Defendants caused a breach of good faith and fair dealing owed to Plaintiff by allowing his privacy to be invaded, and the annoying calls to continue thus caused him to suffer emotional distress, mental anguish and economic loss.

Case: 25CO1:16-cv-01789 Document #: 2 Filed: 05/20/2016 Page 5 of 7

24. Defendants intentionally and knowingly intruded upon the solitude and/or seclusion of the Plaintiff by continuing to contact him without his consent.

COUNT III EMOTIONAL DISTRESS & MENTAL ANGUISH

25. Plaintiff herein incorporates the preceding paragraphs as if alleged fully herein.
26. That as a direct and proximate cause, the negligent actions and/or omissions of the Defendant caused the Plaintiff's privacy to be invaded, broke the duty of good faith and fair dealing the Plaintiff had with the Defendants, interfered with his regular conduction of business, all which caused him emotional distress, mental anguish and economic loss, all of which he is entitled to recover.

COUNT IV NEGLIGENT VIOLATION OF THE TELEPHONE CONSUMER PROTECTION ACT 47 U.S.C. § 227 ET SEQ.

27. Plaintiff herein incorporates the preceding paragraphs as if alleged fully herein.
28. The foregoing acts and omission of Defendants constitute numerous and multiple negligent violation of the TCPA, including but not limited to each and every one of the above-cited provisions of 47 U.S.C. § 227 et. seq.

Case: 25CO1:16-cv-01789 Document #: 2 Filed: 05/20/2016 Page 6 of 7

29. As a result of Defendants' negligent violations of 47 U.S.C. § 227, *et. seq.*, Plaintiff is entitled to an award of \$500.00 in statutory damages, for each and every violation.

**COUNT V KNOWING AND/OR WILLFUL VIOLATIONS OF THE
TELEPHONE CONSUMER PROTECTION ACT 47 U.S.C. § 227 *ET. SEQ.***

30. Plaintiff herein incorporates the preceding paragraphs as if alleged fully herein.
31. The foregoing acts and omission of Defendants constitute numerous and multiple knowing and/or willful violations of the Telephone Consumer Protection Act.
32. As a result of Defendants' knowing and/or willful violations of 47 U.S.C. § 227 *et. seq.*, Plaintiff is entitled to statutory damages of \$500.00, and an award of statutory trebled damages in the amount of \$1,000.00 for each of Defendants' knowing and/or willful violations of the TCPA for each and every violation.
33. Plaintiff is entitled to and seeks injunctive relief prohibiting such conduct in the future.

WHEREFORE, PREMISES CONSIDERED, Plaintiff, Allan M. Plotkin II, demands judgment of and from the Defendants for actual/compensatory damages and punitive damages, with pre-judgment and post-judgment interests, with all costs assessed to the Defendants, in an amount deemed proper by a jury.

Case: 25CO1:16-cv-01789 Document #: 2 Filed: 05/20/2016 Page 7 of 7

Respectfully submitted,

ALLAN M. PLOTKIN II, Plaintiff

By:

DANIEL D. WARE, His Attorney

Daniel D. Ware (MSB 10,847)

WARE LAW FIRM, PLLC

2609 US Highway 49 South

Florence, Mississippi 39073

(601) 845-9273

dware@warelawfirm.com